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**Board Meeting – January 28, 2013**

**21<sup>st</sup> Floor – Conference Room 1**

**Present Board Members:**

- Walter White, Executive Office of Public Safety and Security Designee, Chair (WW)
  - Diane McLeod, Vice Chair (DM)
  - Mark Trivett, Member (MT)
  - Carol Steinberg, Member (CS)
- and
- Thomas Hopkins, Executive Director (TH)
  - Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

**Members Not Present:**

- Andrew Bedar, Member (AB)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Gerald LeBlanc, Member (GL)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

1) **Incoming:** Demoula's Supermarket, 275 Squire Rd., Revere (V12-317)

TH - EXHIBIT – variance application (Exhibit 1)

- new construction
- 630 sq. feet mezzanine
- variance to use LULA

DM - grant as proposed

MT - second – carries awaiting further vote

2) Incoming: Sleeper St., Parcel A, 66 Sleeper St. and Northern Ave., Boston (V13-005)

TH - EXHIBIT – variance application

- slope of the curb cut landing (22.3)
- running slope of the walkway
- proposing handrails

*DM - grant on the condition that compliant handrails provided along areas of noncompliant walkway slope*

*MT - second – carries pending further vote*

3) Incoming Discussion : Department of Children and Families, 31 Oakwood Ave., Lynn (V12-272)

TH - requesting 34” between handrails

- granted 36” on 12/17/12

*DM - grant the change to 34” between the ramp handrails*

*MT - second – carries pending another vote*

4) Incoming: Old State Mutual Building, 240 Main St., Worcester (V12-316)

TH - EXHIBIT – variance application

- 5 story
- renovation at 1<sup>st</sup> and 2<sup>nd</sup> floor for Worcester County Sheriff’s Department
- first floor accessible
- second floor employees only, but no affidavit
- spending \$603,000, value is \$671,700, full compliance required
- seeking variance for minimum door width at elevator (25”)
- variance for cab size, below the allowed 48” x 48”
- elevator is captured by a stair and at the 5<sup>th</sup> floor roof truss on the other side

*MB - grant, on the condition that conference room at the first floor*

TH - first floor is entirely used up

CS - would like to see alternate options for access to the other floors

- they need to prove on other than the elevator

*WW - no second*

*MT - postpone till the 11<sup>th</sup>*

*DM - second – MT & DM for the motion, CS against, needs another vote*

5) Incoming: Assabet Valley Reg. Tech. HS, 215 Fitchburg St., Marlborough (V13-006)

TH - EXHIBIT – variance application

- existing regional technical high school

- seeking multiple variances
- spending over 30%

*CS - hearing*

*DM - second – carries pending further vote*

6) Discussion: Dreamland Theater, 17 S. Water St., Nantucket (V12-057)

TH - sent pictures of the work in progress that said that they will be done in another week

*DM - close the case pending submittal of final completion pictures*

*CS - second – carries pending further vote*

7) Incoming: Main St. Lofts, 814 Main St., Melrose (V13-010)

TH - EXHIBIT – variance application

- 6 unit residential 3-story condo building
- working to make the vertical lift legal and keyless
- never received variance for the use of the lift
- seeking the use of a touchpad keypad system

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG) – now present -

*DM - motion to allow the use of a vertical wheelchair lift*

*CS - second – carries*

*DM - motion to allow the use of the touchpad, on the condition that code is given to any tenant requiring the use of the lift*

*MT - second – carries*

8) Discussion: Vote on previous 6 matters to finish quorum vote

TH - Dreamland Theater

TH - (explains case)

*RG - yes, in favor*

- Assabet Valley

TH - (explains case)

*RG - yes, in favor*

- Lynn

TH - (explains case)

RG - yes, in favor

- Sleeper St., Boston

TH - (explains case)

RG - yes, in favor

- Demoula's

TH - (explains case)

RG - yes, in favor

- Worcester case

TH - moved case to next meeting

9) Incoming: Old State Mutual Building, 240 Main St., Worcester (V12-316) – cont'd

MT - reopen

DM - second – carries

TH - 5 story building

- first floor accessible, second floor private offices

- no affidavit on file

- 16844 sq. feet for sheriff's office, 2<sup>nd</sup>-4<sup>th</sup> floor more square footage

- full compliance requirement

- existing elevator is 25" clear door

- set of stairs on one side of the elevator and 5<sup>th</sup> floor roof trusses abut the elevator shaft at that floor

- seeking relief from having to provide fully compliant elevator

CS - would like more information, an affidavit if upper floors are employee only and want to know use of the upper floors

TH - currently vacant at the upper floors beyond the Sheriff's Office

CS - more information regarding exploring other options for access to the upper floor and any costs associated with those items; and possibility of using conference room at first floor for use by the other tenants

DM - second

RG - not usable for the clear width of the elevator doors

TH - added after the building was built

- motion carries

10) Incoming Discussion: Pine St. Inn, 38-42 Upton St., Boston (V92-235, V97-183, V09-022)

TH - EXHIBIT – variance application

- new lift being proposed

- 2009 granted the use of the lift
- lift at the front of the building with no key

*CS* - grant as proposed, based on existing conditions  
*DM* - second – carries

- TH - second variance for 2 existing lifts at the back of the building  
 - proposing swipe card to lock the lifts

*CS* - grant, on the condition that a tap swipe card  
*DM* - second – carries

11) Incoming: Curb Cuts and Sidewalks, Scotch and Soda, 352 Newbury Street, Boston (V13-008)

- TH - EXHIBIT – variance application  
 - two story retail proposed to be combined, proposing vertical lift to the second floor  
 - need variances for cross slopes where the limit of the scope of their work is  
 - 10-7.5% cross slopes proposed  
 - based on limits of projects technologically infeasible  
 - directly in front of the building will be 2% cross slope

*MT* - grant as proposed  
*DM* - second – carries with CS abstaining

- TH left the room –

12) Discussion: Decisions and Minutes from January 7, 2013

- KS - did Jackie send out the minutes?

- CS - no

- KS - so will vote next time  
 - Bancroft Apts., Worcester

*MT* - reopen Bancroft Apts.  
*DM* - Second – carries

- KS - need clarification on votes and dates

*DM* - second elevator by 4/1/13, based on the representation that the first elevator is in working order; 3<sup>rd</sup> by 10/1/13, fix inspection date  
*CS* - second – carries

KS - Oxford  
- date needed

*MT - reopen*

*DM - Second – carries*

*MT - February 1, 2018 for 5 years*

*DM - second – carries*

13) Discussion: Pearson Hall, Phillips Academy, 6 Great Quad Rd., Andover (V12-130)

KS - January 11, 2013, letter from Gary Mignault  
- included photos of work done at the north and south entrance

*DM - accept*

*CS - second – carries*

14) Discussion: Ferry Terminal, 707 Shirley St., Winthrop

KS - seeking an extension to the January 1, 2013 deadline

- TH back –

TH - sidewalk work extension

*DM - grant to May 31, 2013 for sidewalks*

*MT - second - carries*

15) Incoming: Courtyard Marriot, 275 Independence Way, Danvers (V13-004)

TH - EXHIBIT – variance application  
- existing building, constructed in 1987  
- seeking time variance to raise the drop off location ceiling height, seeking 5 years  
- they have 8', 9'6" required

*CS - allow 3 years, 2/1/16*

*DM - second – carries*

16) Incoming: Courtyard Marriot, 240 Mishawum Rd., Woburn (V13-003)

TH - EXHIBIT – variance application  
- existing building, constructed in 1994  
- seeking time variance to raise the drop off location ceiling height, seeking 5 years  
- they have 8', 9'6" required

*CS - allow 3 years, 2/1/16*

*DM - second – carries*

17) Incoming: Estabrook School, 117 Grove St., Lexington (V12-315)

- TH - EXHIBIT – variance application
- demo of existing school and building new 3 story building for K-5<sup>th</sup> grade
  - foundation already built
  - at entrance walkway 9% instead of required 5%

*DM - grant as proposed*

*MT - second – carries*

18) Incoming Discussion: Longmeadow HS, 95 Grassy Gutter Rd., Longmeadow (V12-301)

- TH - building new auditorium with orchestra pit
- plans submitted showing ramp and lift and depressed floor; pictures of the pit (EXHIBIT)
  - policy in place that if student with a disability is in the band the pit will always be depressed

*DM - accept as proposed as the policy enforced consistently as proposed*

*MT - second – carries*

19) Incoming Discussion: Mixed Use, Former Firehouse, 133 Salem St., Boston (V12-298)

- TH - EXHIBIT – Letter from 1/22/13 -
- proposing a new gym at upper and lower level
  - was granted on the condition that give policy about the first level being fully accessible
  - basement has duplicates of first floor
  - submitted policy

*MT - Accept policy as submitted*

*DM - second – carries*

20) Discussion: Acton Women's Club, 504 Main St., Acton (V11-108)

- TH - status report submitted on time and at the required intervals

*DM - accept the status report*

*RG - second - carries*

21) Incoming: New Pizza Shop, 352 Hanover St., Boston (V13-002)

- TH - EXHIBIT – variance application
- proposing single user unisex toilet room
  - seeking variance to 26.6.1, for the proposed sloped landing at the door, with auto-opener

*DM - grant on the condition that automatic opener provided and toilet room is 72 x 90*

*MT - second – carries*

22) Incoming: Garage Teen Center, 40 Aspinwall Rd., Brookline (V13-007)

- TH - EXHIBIT – variance application
- community building for teens
  - seeking variance to 28.12.4, proposing installation of incline lift
  - other work ongoing so variance required
  - incline lift to get between levels

*DM - grant as proposed*

*MT - second – carries*

23) Incoming: Mixed Use Building, 284 Newbury St., Boston (V13-009)

- TH - EXHIBIT – variance application
- need 20 variances
  - they know what they are doing as far as the variances being requested, but need a hearing to deal with all 20 variance requests
  - would like to allow the building permits to go forward to start the work

*DM - schedule a hearing*

*MT - second – carries*

*DM - allow permits to start the work*

*MT - second –*

CS - already an elevator?

TH - yes and an accessible entrance, but the spending is triggering full compliance for the owner of the building

- they looked at all of the common areas and are seeking variances for those existing conditions

*- motion carries*

24) Discussion: Cases of the Day

- CS - cost for changing urinal seems high

25) Incoming: Church Door of Hope, 540 Primrose St., Haverhill (V12-033)

- TH - could not get the petitioners to give required paperwork
- work performed project to install a donated Stannah Stairlift

*DM - deny*

*MT- second - carries*



26) Discussion: Golf & Tennis Club, 130 McKay St., Beverly (C11-080 & V11-231)

- TH - complaint was filed and resulted in variance application  
- voted to require vertical access and fixes to the entry ramp, deadline of 12/31/12  
- seeking extension to May 1, 2013

*DM - grant as proposed*

*RG - second – carries*

- TH - same Notice of Action had required that the Petitioners provide a full 30% analysis by 7/31/12, did not receive analysis until 12/12  
- schedule a hearing for the new variance requests

*CS - hearing for new variance requests*

*RG - second – carries*

- TH - add amendment to first motion, about contract and check submitted as well

*DM - add submittal of contract and deposit check (within 30 days)*

*CS - second - carries*

27) Hearing: St. John's School, Pioneer Field, 378 Main St., Shrewsbury (C12-028)

- WW - called to order at 11 a.m. – complaint hearing  
- introduce the Board

Michael Welch, St. John's Headmaster (MW)

Timothy Wickstrom, St. John's Attorney (TW)

- WW - MW sworn in  
- EXHIBIT 1 – AAB1-43

- TH - complainant not present  
- some documents within the packet  
- most of the items have been resolved, only issue is access to press box and bleacher system

- TW - ask for dismissal of complaints based on lack of appearance

TH - lack of appearance of complainant not required, but some matters corrected

CS - that would be the admission that the complaints were valid, based on the fact that the Petitioners corrected those cited matters

- TW - AAB3, letter from me about what was done thus far  
- design of grandstand was in compliance as far as they know, but it is excessive cost to create access at this time

TW - have installed a new drinking fountain that is compliant  
- submit picture of drinking fountain

WW - Accept as EXHIBIT 2

TW - water fountain now complies with 36.1.1.

*DM - find in favor of the complainant for 36.1.1*

*CS - second – carries*

*DM - accept the pictures as compliant with 36.1.1*

*CS - second – carries*

TW - 23.1, do have accessible parking at Pioneer Field, submit pictures  
- another area where parking as well

WW - Accept picture as EXHIBIT 3

TW - picture of another area of added handicapped parking

WW - Accept picture as EXHIBIT 4

WW - any site plan that shows where the parking spaces are located  
- need to know accessible route

TW - gravel road, shown in AAB18 thru 21  
- gravel parking lot, never been paved since 1963  
- gravel drive goes to the right of the football field  
- AAB20, shows the drive up to the parking area to the right of the field, where Exhibit 4 parking is shown, as well as back at the gravel parking lot

DM - understand, but there is no delineation in the parking  
- not going to be able to get out of the car  
- grass is not compliant surface, regulations are very specific  
- also has to be van accessible  
- 23.4.4 of 521 CMR, states that the surface has to be paved or hard-packed smooth surface.  
- how many cars can park there

MW - 250

DM - so 6 spaces required with 1 van accessible space required

TW - places where the surface is hard-packed  
- Exhibit 3, there is gravel in the foreground, gravel beyond the grass

- DM - accessible path of travel?  
TW - along the drive, wide enough but not delineated
- TW - the other spaces as shown in EXHIBIT 4 are closer to the grandstands
- MW - visitors' side of the field, and you are on the visitors' side, small set of bleachers, but typically people watch events at that location
- CS - how many spaces are provided?  
MW - 4
- DM - supposed to be six spaces and need to be delineated
- CS - at least one van space required
- MW - 50 year old gravel parking lot
- CS - nothing designated as van accessible  
- even if signs are respected, not enough room to get out of the van  
- need an access aisle that is designated and wide enough
- RG - handicapped parking at the home side near the entrance?  
WW - need site plan
- MT - any solution proposed for demarcation or delineation  
TW - can provide van signage  
- can look into delineation
- DM - *find in favor of the complainant 23.1 and 23.6.1*  
CS - *second – carries*
- DM - *need to add an additional space at both visitor and home side; van accessible at each side and required delineation; by April 15, 2013*  
CS - *second –*
- WW - *can chairman participate in discussion?*
- TW - *no objection*
- WW - *submit site plan and show on the site plan where the accessible spaces and accessible route are to the fields*
- TH - letter from attorney is incorrect in interpreting that the bleachers are not required to comply  
- there is a ramp to the bleachers

- carries

DM - staff site visit conducted to review parking and accessible routes to the viewing areas at both sides (20.1 and 23.1)

CS - second –

TH - could dismiss after site visit

- carries

TW - EXHIBIT3, see the ramp to the bleachers

TW - time keepers and coaches only are in the press box

MW - faculty member from the high school

- another teacher is an announcer

- students are never in the press box

MT - just St. John's coaches or visiting coaches as well

MW - at times St. John's or visiting coaches will use the space above the box

MT - if coaches from opposing teams, then they are not employees of St. John's

TW - submittal of photograph of sign and chain that was in place for the past fall season

WW - accept as EXHIBIT 5

TW - sign says no public access, used by time keepers and coaches only

DM - the Board's idea of public is not the general public, coaches from other teams are considered members of the public since they are not employees of the school

WW - need a sworn affidavit about St. John's employee usage only; anyone not employed by St. John's is considered a member of the public by the Board

TH - can also provide a vertical wheelchair lift

WW - need to make a motion on lack of vertical access to the press box

DM - find in favor of the complainant for the lack of access to the press box (28.1)

CS - second – carries

DM - an affidavit can be provided

TH - typically discussion about either affidavit or variance

CS - if vertical access provided, then can open the press box up to students

*DM - staff site visit to review vertical access issue, need Petitioner to submit plan for compliance, variance or affidavit by March 15, 2013*

*MT - second – carries*

28) Discussion: Exchange Hall, 2 School St., Acton (V11-110)

TH - small extension May 31, 2013 for the installation of LULA

*DM - accept 5/31/13*

*CS - second – carries*

*MT - ask for copy of permit within 30 days receipt*

*CS - second – carries*

29) Discussion: All Newton Music School, 321 Chestnut St., Newton (V11-138)

TH - 12/1/12 deadline

- petitioners have provided financial breakdown as requested

- asked for extension on 11/19/12, bathrooms completed, but sought more time for vertical access, door widths, vestibule and door clearances

- Board ordered that financial records be submitted

- as of 1/4/13, 2 of the 3 phases have been done; needed roof, flashing and chimney work, which triggered full compliance

- 3<sup>rd</sup> and final phase is estimated \$700,000.00; will complete some items asap with the \$85,000.00 available

- proposing study and installation LULA and offset hinges to do the work, will need an additional \$523,000.00

- work for vertical access proposed to begin in March of 2013

- would like contract by February 1<sup>st</sup>

TH - existing ramp that just needs to be updated to comply

DM - what are they asking for?

TH - want to start items 1-3 (LULA study, installation, and offset hinges)

- seeking a year extension to items 4-14

- bathrooms at first floor already done

- 12/1/12 deadline for everything, want to start items 1-3 by March, want one year for the rest of the items

*DM - Items 1-3 completed and documented as completed by 8/30/13*

*MT - second – carries*

*DM - Items 4-14 completed and documented as such by 2/1/14*

*MT - second - carries*

30) Hearing: Donovan Center, 144 Main St., Brockton (V12-253)

WW - called to order at 1 p.m. – variance hearing  
- introduce the Board

Jill Peebles, BKA (JP)

Michelle Wall, Old Colony Elder Services, Owner Representative (MW)

WW - both sworn in  
- EXHIBIT 1 – AAB1-31

JP - renovated the first and third floor of the building, triggered 3.3.2 and compliance for the whole building  
- first variance for Stair #1  
- door at Main Street sidewalk, leads directly to stairs  
- push and pull side clearance not met at exit door  
- currently 3’4” clear  
- egress stair, not available from exterior

JP - exterior exit discharge at first floor  
- only 5’5” by 3’9” clear

*DM - grant for 20.11.2*

*MT - second – carries*

JP - Stair #1  
- approach to the door, exterior wall is right at the public sidewalk  
- clearance width issue between the handrails, demising walls on both sides, and sprinkler system running thru the walls  
- just egress stairs for the egress door  
- any of the outer walls, all compliant wall side handrails installed and nosing piece added.

*CS - grant variance for Stair #1 exterior door for push and pull side clearances (26.6.3 and 26.6.4)*

*DM - second – carries*

JP - wall side handrails modified to comply but interior handrail has newel posts and half walls, the clearance is reduced to 2’11” clear in some locations

TH - same at both stairs

DM - grant for 27.4.1 and 27.4.2 for both Stair #1 and #2 for the lack of compliant interior handrails, on the condition compliant wall side handrails

CS - second – carries

JP - Stair #2, masonry walls as the rails go up, some areas where the clearance between the handrail and the wall are more than required

CS - grant the variance at the required locations for 27.4.7

MT - second – carries

KS - handrail extensions

DM - no variance required for 27.4.3, based on location of handrails and fact that extensions would be safety hazard

MT - second – carries

JP - corridor handrail, AAB18

- handrail only at one side at that location

- currently extending to just past bottom riser

- extended to the corner, picture was of the existing condition

CS - grant 27.4.1, based on the testimony that the handrail was extended as far as possible

DM - second – carries

JP - 30.10.1

- Tenant A takes up a large amount of the first floor space

- urinal mounted at 23” instead of 17”

- based on the materials on the plumbing, the cost to change the urinal was \$20,000.00, because of need for new plumbing material

CS - what is the alternative?

JP - women’s and men’s restroom at the corridor is keyed and employee only

WW - also an accessible toilet stall

MT - grant the variance for 30.10.1

RG - second –

DM - not sure why so expensive

JP - because of the need for updated fixtures

- existing and not part of the renovation

- if it is modified will have to chase the plumbing issues of noncompliance to the current code

- carries with DM

JP - kitchenette (AAB20), 32.2  
- counter height is 36" as opposed to the required 34"

CS - *grant 32.2*

MT - *second –*

MW - Tenant A is Old Colony Elderly Services and they are the owner of the building as well

JP - accessed from Meeting Room A or B

- *carries*

KS - need to deal with 27.4.1 for the egress, exit discharge door

TH - possibly handrail at one side

JP - on the left it would technically infeasible, and on the right would encroach into the exit discharge

DM - *grant for one side only (left side) (27.4.1)*

CS - *second - carries*

31) Incoming Discussion: St. Nicholas Orthodox Church, 1304 North St., Pittsfield (V11-245)

TH - a new church constructed  
- site visit was conducted regarding the access to the altar  
- small congregation of 40 people  
- they proposed small ramp to the altar  
- upon review by the Board, ordered more detailed scaled plans  
- current plans show 36 inch wide landing at a turn in the ramp  
- suggest minimum of 50" landing  
- EXHIBIT – submitted drawings

DM - *accept plans, on the condition that the ramp landing is a minimum of 50" wide*

CS - *second – carries*

TH - had set an install date of 2/4/13 in the 11/20/12 Amended Notice of Action

MT - *motion to extend the date for compliance to March 1, 2013, with written and visual confirmation on or before said date*

DM - *second – carries*

32) Discussion: Curb cuts, 580 Main St., Harwich (C10-092)

TH - radius at the curb cuts is 35'  
- 30' radius allows apex by right



- midblock street

*DM - dismiss based on the fact that the apex curb cuts are allowed by right*

*MT - second – carries*

33) Incoming Discussion: Nantucket Yacht Club, 1 South Beach St., Nantucket (V10-195)

- TH
- 35' opening wall
  - 5' wide when doors stacked up
  - track on the floor
  - created filler boards still don't meet 26.10 for the height
  - covered dining porch is on the other side of the doors
  - variance for 26.10.1-3
  - other doors in the area that are compliant and access the same porch

*DM - grant as proposed*

*MT - second – carries*

34) Discussion: First Congregational Church, 148 West Main St., Millbury (V10-050)

- TH
- had given them until 2/1/13 for the plans for the adjustable lectern to be ordered and access to the fellowship hall; and access to some doors; and access to the stage; and kitchen access
  - seeking an extension to 3/1/13 to submit required plans

*CS - grant to 3/1/13*

*DM - second – carries*

35) Discussion: Multiple Tenant, 154 Maverick St., East Boston (V10-180)

- TH
- received a status that the Elevator Board granted them a variance to the travel distance for the proposed lift
  - proposing that the lift is installed by March
  - ordered that the plans and deposit check be submitted to the Board
  - shop drawing shows corner post design with a platform by 46" x 57 7/8", the Board consistently required 42" x 60", still usable

*DM - grant the platform size as shown in the drawings*

*MT - second – carries*

36) Discussion: Deluca's Market, 7-17 Charles Street, Boston (V11-232)

- TH
- submitted first floor plan
  - bathroom moved to the basement
  - door for the LULA is now towards the back of the building
  - rear door service entrance
  - 40 inch corridor space at the side of the LULA
  - basement plan
  - plans not stamped

*DM - not accepting the changed plans, reaffirm the previous decision and plans*

*MT - second –*

CS - since he didn't ask in writing

TH - yes, but submitted plans so TH presenting plans

*- carries*

*DM - do to the fact that he has not complied with the order requiring the computer in the lobby, based on observation by TH, shut down as of 2/15/13 if the computer is not in place as required.*

*CS - second – carries*

*DM - motion to expedite the decision*

*CS - second – carries*

### 37) Discussion: Board Policy for Administrative Procedures

*CS - any request for action by the Board be in writing, posted on the website as well; all plans submitted shall be stamped*

*CS - any request for action by the Board shall be submitted in writing*

*MT - second – carries*

CS - don't want to do a motion across the Boards for plans

WW - need policy about submittals in writing, also need stamped plans

### 38) Incoming: Stone Institute Elder Residences, 277 Eliot St., Newton (V12-129)

TH - level 4 Nursing Home

- every resident is assisted by staff

- fully compliant showers and toilet rooms are provided

- because they want to clean up some of the older toilet rooms, want to use existing showers with curb, but they will comply in every other way

- proposing 3 that don't comply

*CS - grant as proposed*

*DM - second – carries*

### 39) Advisory Opinion: John Harvard Brewery and Ale House, 33 Dunster St., Cambridge (V12-179)

TH - question regarding accessible seating and "within the same area"

- seating area near the bar, some high top, all the rest are accessible tables

KS - issue is seating policy and if the high top tables are seated like the rest of the restaurant

DM - also telescoping tables

CS - issue is seating policy

*MT - require some accessible table within the high top area if they are treated as bar tables under the seating policy*

*DM - second - carries*

40) Discussion: Charles Playhouse, 74 Warrenton St., Boston (V12-263)

*CS - move discussion to next meeting 2/11/13*

*DM - second – carries*

41) Discussion: Isabella Stewart Gardner Museum, 280 The Fenway (V11-147 and C12-031)

*CS - move discussion to next meeting 2/11/13*

*DM - second – carries*

42) Discussion: Founders Hall/Stebbins Hall, 21-31 Everett St., Cambridge (V12-062)

TH - status report required to be submitted by 1/1/13, received on 12/21/12

- final documents required to be submitted by 2/1/13 (affidavit and plan of public and employee color-coded)

- still don't have affidavit from President

43) Discussion: Canton Sports Plex, 5 Carver Circle, Canton (V12-209)

TH - need to move discussion to 2/11/13

*DM - move discussion to 2/11/13*

*CS - second – carries*

44) Discussion: Winthrop Estates, 101 Yokum Ave., Lenox (V12-184)

TH - phone call from Larry Bauer, one of the architects

- ordered deadlines for the installation of a LULA, gave relief to third floor

- LULA was estimated to cost 2-3 million dollars, based on call from architect prior to the holidays in 2012

- need something to support the statement about LULA costs

*DM - reinforce previous decision, but adding that the occupancy is withheld for temporary permanent or otherwise*

*MT - second – carries*

45) Discussion: School of Philosophy, 399 Lexington Rd., Concord (V12-177)

- TH - originally proposed to be presented on 1/7/13, voted to move to 1/28/13  
- new variance application submitted, with jurisdiction cited as the variance requested

*DM - move to next meeting 2/11/13*

*CS - second – carries*

46) Discussion: Palavicini Property, 4 Neptune Rd., East Boston (V12-054)

- TH - about the exterior area of rescue assistance  
- date for compliance set for the bathroom  
- just got submittal today, regarding estimate for bathroom and rescue assistance, and need estimate for downstairs bathroom  
- previously granted to 12/31/12 for the bathroom and first floor toilet room

*DM - extend final date for required work to be completed by 4/15/13, with the understanding that a fine hearing will be scheduled if that date is not met*

*MT - second – carries*

**\*\* NO MORE DIANE MCLEOD – LACK OF FULL QUORUM \*\***

47) Hearing: Brother's Pub, 87 Aetna St., Fall River (V11-020)

- WW - called to order at 3 p.m.  
- Notify all members that only 4 members, and 5 member quorum required  
- choice is to proceed with the hearing or reschedule the hearing  
- apologize for inconvenience

Petitioners - would like to proceed

WW - Introduce the Board

James D. Aguiar, Jr., Building Official for Fall River (JA)

JoAnn Bentley, Architect for owner (JB)

John Reis, Owner (JR)

Tony Oliveiro, Friend of owner (TO)

Richard Souza, Friend of owner (RS)

- WW - JA and JB sworn in  
- EXHIBIT 1 – AAB1-92

- TH - did have a standing order, from the original variance filed, where a lift would be installed to the second level  
- hearing to discuss a change in the design  
- unisex toilet room at upper level

- JA - unisex toilet room has been installed
- TH - ramp is proposed to access the second floor from the exterior
- JB - originally intended for lift at the rear/south side of the building  
- Mr. Reis the owner of the building was financially unable to install the lift  
- now asking to put in a ramp instead of a lift to access the second floor from the rear of the building  
- 1<sup>st</sup> floor is 5'4" above grade, driveway at the side of the building  
- lot of levels within the building, first floor deck at rear that is two steps lower than first floor
- TH - AAB 20 shows ramp  
- does that include fix of the step to the rear deck
- JB - yes
- JA - one of the previous problems was the raising of the roof for the lift  
- roof of the roof deck will still have to be raised
- MT - is ramp covered?
- JB - no, the ramp is not covered
- MT - any provisions for weather protection or surface of the ramp  
JB - trex or pvc product for the ramp
- RG - ramp begins at the side of the building, better than going all the way to the rear of the building
- WW - will the ramp comply in full?  
- any variances for the ramp itself
- JA - surface of the ramp should be nonskid
- CS - access to the basement level?  
TH - not part of this case
- TH - only jurisdiction is to the second level of the building
- JA - basement not currently utilized, however because of extreme financial hardship, owner would like to revitalize the lower level kitchen to begin serving food
- CS - basement still not open to the public
- TH - new equipment, large spending to utilize kitchen?  
JA - no, reusing existing kitchen equipment

TH - what is the deadline for the compliance to build the ramp?

JB - proposed to start the work as soon as possible

CS - where is the parking for the building?

JB - parking at the front of the building and parking at the side

JA - access to the ramp would be closer to the parking area, still have to travel same distance, but would be on the ramp sooner

CS - what about requiring awnings?

WW - not asking for relief on the ramp, just asking to change the previous decision of the Board to allow the ramp instead of the required lift

TH - judgement?

JA - judgement requires that the deck used for access only and not for use by patrons other than a means of access

JA - would like a strict deadline for the ramp installation

JB - hoping to start at the end of March

JA - original March deadline?

- would like to continue to only issue temporary CO's

- even for the kitchen, would not change requirements of 521 CMR

MT - March 28, 2013 for the lift installation

TH - if work not done by the deadline, then temporary removed

CS - *allow the installation of a fully compliant ramp, in lieu of previously ordered lift, on the condition that work completed and verified to the Board by 5/1/13*

MT - *second – carries pending one additional vote (Gerald LeBlanc in favor 2/6/13)*

CS - *until the ramp is verified as complete, only temporary certificates of occupancy issued, if work not verified as complete by 5/1/13, business closed by 5/2/13*

MT - *second – carries pending one additional vote (Gerald LeBlanc in favor 2/6/13)*

- End of Meeting -